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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,099	04/02/1999	RAIMO BAKIS	YO999-046(87	4528

46069 7590 01/22/2009  
F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY, NY 11797

EXAMINER
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ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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01/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/286,099	<b>Applicant(s)</b> BAKIS ET AL.	
	<b>Examiner</b> ANGELA A. ARMSTRONG	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

**This Office Action is in response to the amendment filed November 7, 2008, in which Applicant has amended claims 1-3, 7, 9-11, 13, 15, 18, and 20. Currently, claims 1-22 are pending.**

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15-22 are directed to systems for automatic recognition system, reciting limitations which, as per the specification (page 5, line 18 to page 7, line 2) can be implemented via a software only embodiment. Software or computer programs do not fall within one of the statutory class of invention under 35 USC 101, and thus the claims fail to be limited to only statutory embodiments and are therefore directed to non-statutory subject matter.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hab-Umbach et al (US Patent No. 5,995,930) in view of Beutnagel (US Patent No. 6,078,885).

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3. Regarding claims 1-22, Hab-Umbach et al teaches a method and apparatus for performing speech recognition which implements generating a series of reference signals, which are one of a plurality of vocabulary words (which reads on applicants generating waveform for N sequences) at Abstract, col. 5, lines 20-30; col. 8, lines 21-32. Hab-Umbach does not specifically teach generating a synthetic waveform for each of N textual transcriptions of an original waveform, where N is greater than 1 and the textual transcriptions are generated by a speech recognition system and represents N-best textual transcription hypotheses of the original waveform. However it was well known in the art to implement generating synthetic speech of a N-best text sequence for the purpose of reducing recognition errors due to decoding errors of acoustically similar words. Beutnagel teaches systems for updating dictionaries in a speech synthesis and recognition system and describes methods of scoring N-best pronunciations for given words and generate the words via a text-to-speech system as to score the candidates (col.1, lines 52-54) generating a synthetic waveform for multiple transcriptions at (col. 6, lines 20-30 and col. 8, lines 14-21 -- since the system can repeat the confirmation process with the second-best and third-best candidates). Additionally, Beutnagel teaches the text generated by a speech recognition system as a textual transcription at Figure 2, since 215 provide spoken word is fed to speech recognizer 205 and stress prediction 235. The output of the speech recognizer is input to a proposed pronunciation (no stress) 230, which is then combined with the proposed pronunciation with stress. The result of the combination is sent to the text-to-speech generator. It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Hab-Umbach to implement generating a synthetic waveform for each of the N-best

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text sequences as described by Beutnagel, for the purpose of reducing recognition errors due to decoding errors of acoustically similar words.

Comparing test signals to the reference signals (which reads on applicants comparing synthetic waveform to the original waveform) at Abstract, col. 5, lines 20-30; col. 8, lines 21-32

Outputs the word or words having the best evaluation result based on the comparison at col. 8, lines 10-14 and lines 21-32

Dynamic programming (aligning) at col. 5, lines 31-33, Abstract, and Figure 2, element 26

Vocabulary arranged in a tree structure based on phonemes (Viterbi) at col. 3, line 57 – col. 4, line 36 and Figure 1A.

Generates and retrieves values from spectral components of speech signal (feature vectors) at col. 8, lines 21-32

Computing individual scores, summing the scores and setting a new minimum score at col. 5, line 30 to col. 6, line 55

Repeating the process for every vocabulary word in the list (setting a parameter to  $n=1$ , retrieving the  $n$ -Th waveform and text sequence, incrementing the parameter by one, repeating the steps until each sequence has been considered) at Abstract, col.6, lines 56-58.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA A. ARMSTRONG whose telephone number is (571)272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela A Armstrong/  
Primary Examiner, Art Unit 2626